

Message Text

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15

ACTION L-02

INFO OCT-01 IO-10 ISO-00 OIC-02 AF-10 ARA-10 EA-10 EUR-12

NEA-10 RSC-01 CIAE-00 DODE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 /120 W

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TO SECSTATE WASHDC 6731

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E.O. 11652: N/A

TAGS: UN ILC

SUBJ: UNGA LEGAL COMITE: REPORT OF THE INTERNATIONAL
LAW COMMISSION (ILC)

1. LEGAL COMITE BEGAN CONSIDERATION OF SUBJECT ITEM
OCT. 24 MEETING WITH ADDRESS OF ILC PRESIDENT, DR. ENDRE
USTOR (SPEECH POUCHED L--AMB KEARNEY). BASIC POINTS
USTOR MADE DEALT WITH REPORTS ON (A) ILC MEETINGS
COMMEMORATING ITS 25TH ANNIVERSARY; (B) DRAFT ARTICLES
ON SUCCESSION OF STATES IN RESPECT OF TREATIES; (C) STATE
RESPONSIBILITY; (D) TREATIES BETWEEN STATES AND INTERNATIONAL
ORGANIZATIONS; (E) NON-NAVIGATIONAL USES OF WATERCOURSES;
AND (F) USTOR'S PERSONAL REMARKS ON THE JOINT INSPECTION
UNIT CRITICISM OF ILC WORKING ARRANGEMENTS. USTOR REMARKS
FULLY SUPPORTED ILC CONCLUSIONS ON LATTER.

2. ITALY ONLY DEL TO SPEAK ON LIC. ITEALY PRAISED
SUCCESSION OF STATES DRAFT ARTICLES FOR BALANCING CONCEPT
THAT SUCCESSOR STATES REQUIRE FREEDOM OF ACTION, WITH
CONCEPT THAT TREATY RELATIONSHIPS REQUIRE CERTAINTY,
CLARITY AND CONTINUITY. ITALY WAS GRATIFIED BY ILC
ADOPTION "CLEAR SLATE" PRINCIPLE WITH RESPECT NEWLY
EMERGING STATES, AND ESPECIALLY APPRECIATED BALANCED
APPROACH ILC TOOK WITH RESPECT TO THE QUESTION OF THE
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NON-RETROACTIVITY OF CODIFICATION CONVENTIONS. ITALY
EXPRESSED DISSATISFACTION THAT TWO POINTS HAD NOT BEEN

CONSIDERED BY ILC'S LAST SESSION, NAMELY: SETTLEMENT
OF DISPUTES AND CODIFICATION OF MULTILATERAL TREATIES
OF UNIVERSAL CHARACTER. ITALY PROPOSED LATTER TWO ITEMS,
AS WELL AS SUCCESSION OF STATES DRAFT ARTICLES, SHOULD
BE REFERRED TO STATES FOR COMMENTS.
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